

STATE OF HAWAII
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
Honolulu, Hawai'i

April 11, 2008

**BOARD OF LAND AND
NATURAL RESOURCES**
State of Hawai'i
Honolulu, Hawai'i

FILE NO.: CC KA-08-01
Existing 180-Day Exp.: April 28, 2008
Proposed 180-Day Exp.: June 27, 2008

REGARDING: Request to Extend the Processing Period in Order to Process a Contested Case Hearing for Conservation District Use Application (CDUA) KA-3399 for the Consolidation of Two Parcels and the Construction of the Morrow Single Family Residence (SFR)

APPLICANT: David M. and Linda Morrow

AGENT: Gregory Mooers,
c/o Randy Vitousek, Esq., Cades Schutte LLP,
75-170 Hualalai Road, Suite 303, Kailua Kona, HI 96740

LANDOWNER: David M. and Linda Morrow

LOCATION: Hā'ena, Hanalei District, Kaua'i

TMK: (4) 5-9-03:10, 45

AREA OF PARCEL: 03:10: approximately 7,112 square feet
03:45: approximately 38,555 square feet

USE: 3480 square feet

SUBZONE: Resource and Limited

BACKGROUND:

On July 13, 2007, Roy A Vitousek, III, Esq., acting on behalf of applicants David M. and Linda B. Morrow, requested a Contested Case hearing to challenge the Office of Conservation and Coastal Land's recommendation to deny Conservation District Use Application (CDUA) KA-3399 to consolidate the two above mentioned subject parcels and to construct a single family residence in Hā'ena, Hanalei, Kaua'i.

TIME EXTENSION REQUESTS:

At the same time as he petitioned for a contested case hearing Mr. Vitousek requested that the processing period for the application be extended. On July 19, 2007 the Chair of the Board of

Land and Natural Resources granted the request, extending the processing deadline to October 31, 2007. The Board has approved three sixty-day extensions since then.

On March 31, 2008 OCCL received a request from Mr. Vitousek to extend the processing period an additional sixty days [Exhibit 1].

AUTHORITY FOR GRANTING EXTENSIONS:

The authority for granting time extensions to the CDUA processing period is provided in Section 183C-6(b), HRS, which states that "...when a contested case hearing is required pursuant to Chapter 91, the one-hundred eighty days may be extended an additional ninety days at the request of the applicant. Any request for additional extensions shall be subject to the approval of the Board."

DISCUSSION:

Counsel's request will extend the processing time on the application to June 27, 2008. OCCL believes that this extension will be necessary in order to continue processing the case.

If additional time is needed to process the case, OCCL would need to receive the request by May 30, 2008 in order to bring it before the Board on their June 13, 2008 meeting.

Staff, therefore, recommends as follows:

RECOMMENDATION:


That the Board of Land and Natural Resources grant Mr. Vitousek's request to extend the processing period on CDUA KA-3399 60 days – bringing the deadline to June 27, 2008.

Respectfully submitted,



Michael Cain
Staff Planner

Approved for submittal:


LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

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March 31, 2008

Roy A. Vitousek III
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VIA FACSIMILE (808) 587-0322
AND VIA FIRST-CLASS MAIL

Michael Cain, Planner
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Re: Conservation District Use Application (CDUA) KA-3399; CC KA-08-01
Proposed Morrow Living Trust Single Family Residence Project,
Haena, Island of Kauai, TMK: (4) 5-9-003:010 and 045

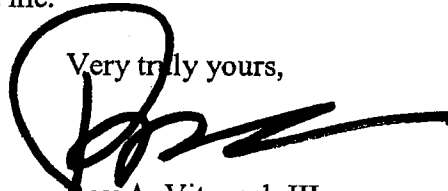
Dear Mr. Cain:

Please consider this a request for a 60-day extension of the decision deadline relative to the above-referenced CDUA, which currently expires on April 28, 2008.

We expect that with cooperation from all parties, the application may be placed before the Board in the next 60 to 90 days. The new decision date (with this 60-day extension) would be June 27, 2008. This matter has been pending for some time, and we are hopeful the process can be completed as soon as possible.

Thank you for your attention to this matter. As always, if you have any questions or require additional information, please contact me.

Very truly yours,



Roy A. Vitousek III
for
CADES SCHUTTE
A Limited Liability Law Partnership

RAV:tmt

cc: Randall K. Ishikawa, Esq.
Greg Mooers
David Morrow

C S

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